

CITY OF WEST LAFAYETTE, INDIANA

ORDINANCE NO. 13-05

AN ORDINANCE VACATING A PUBLIC WAY KNOWN AS CATHERWOOD COURT, VACATING ALL EASEMENTS THEREIN AND DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

WHEREAS, 900 Place, LLC is the petitioner for a planned development rezoning known as Catherwood Gardens located in the triangle north of the intersection of Happy Hollow and North River Road; and

WHEREAS, 900 Place, LLC is replatting the existing lots so that the lots of Catherwood Gardens do not infringe on the 100 foot scenic setback along North River Road; and

WHEREAS, in order to replat the existing lots, it is necessary to vacate the public way known as Catherwood Court and certain easements related thereto; and

WHEREAS, 900 Place, LLC has or will comply with the provisions of Ind. Code 36-7-3.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT:

Section 1. The public way known as Catherwood Court and certain easements related thereto in West Lafayette, Indiana, which are described in Exhibit A, be and hereby are, vacated, set over, and reverted to 900 Place, LLC.

Section 2. The Clerk of the City Council be directed, and hereby is directed, to furnish a copy of this Ordinance, duly executed, to the Recorder of Tippecanoe County for recording, and to the Auditor of Tippecanoe County.

Section 3. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor and notice, as provided by law.

INTRODUCED AND FILED ON THE ____ DAY OF _____, 2005.

DULY ORDANINED PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE ____ DAY OF _____, 2005, HAVING BEEN PASSED BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED

Presiding Officer

ATTEST:

Judith C. Rhodes, Clerk-Treasurer

PRESENTED TO ME THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE ____ DAY OF _____, 2005, AT THE HOUR OF _____.

Judith C. Rhodes, Clerk-Treasurer

THIS ORDINACE APPROVED AND SIGNED BY ME ON THE ____ DAY OF _____, 2005, AT THE HOUR OF _____.

Jan H. Mills, Mayor

ATTEST:

Judith C. Rhodes, Clerk-Treasurer

EXHIBIT A

LEGAL DESCRIPTION – Public Utility Easement Release

A part of the east half of the southwest fractional quarter of Section Seventeen (17), Township Twenty-three (23) North, Range Four (4) West, Wabash Township, Tippecanoe County, Indiana, being depicted on a Plat of Survey by Vester and Associates, Inc. Job No. 04382, being more completely described as follows, to wit:

All easements located within Lots Numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Eleven (11), and Thirteen (13) of Parkside Subdivision, as per the plat thereof, recorded on October 5, 1953, in Plat Record Book 4, Page 12A, in the Office of the Recorder of Tippecanoe County, Indiana, EXCEPT the 60' easement for Dry Run Channel and public utilities.

LEGAL DESCRIPTION – Sanitary Sewer Easement Release (Service to Indiana American Water)

A part of the east half of the southwest fractional quarter of Section Seventeen (17), Township Twenty-three (23) North, Range Four (4) West, Wabash Township, Tippecanoe County, Indiana, being depicted on a Plat of Survey by Vester and Associates, Inc. Job No. 04382, being more completely described as follows, to wit:

A sanitary sewer easement as described in Deed Record 270, Page 50, recorded on August 1, 1960 in the Office of the Recorder of Tippecanoe County, Indiana; being located over Lots Numbered Nineteen (19) and Twenty (20) of Parkside Subdivision, as per the plat thereof, recorded on October 5, 1953, in Plat Record Book 4, Page 12A, in said Recorder's office.

LEGAL DESCRIPTION – Catherwood Court Right-of-Way

A part of the east half of the southwest fractional quarter of Section Seventeen (17), Township Twenty-three (23) North, Range Four (4) West, Wabash Township, Tippecanoe County, Indiana, being depicted on a Plat of Survey by Vester and Associates, Inc. Job No. 04382, being more completely described as follows, to wit:

Catherwood Court right-of-way as depicted on the Plat of Parkside Subdivision, recorded October 5, 1953, in Plat Record Book 4, Page 12A, in the Office of the Recorder of Tippecanoe County, Indiana.

| NO. | REVISION | DATE |
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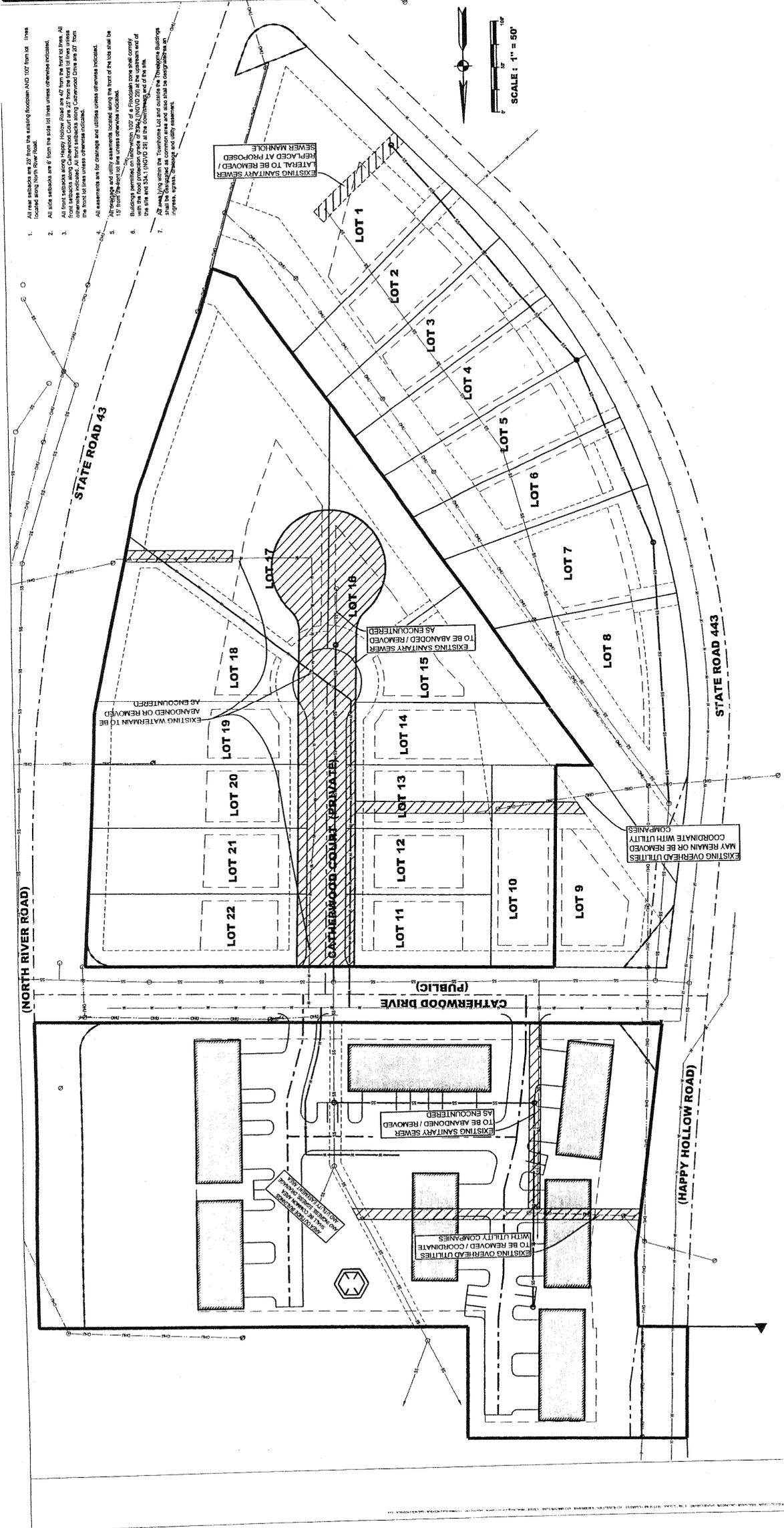
A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 17, TOWNSHIP 23 NORTH, RANGE 4 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA

CATHERWOOD GARDENS PLANNED DEVELOPMENT - PHASE II
 WEST LAFAYETTE, INDIANA
 CATHERWOOD GARDENS EASTMENT RELEASE EXHIBIT

OFFICE LOCATION:
 JAM COLLEGE STREET, SUITE 102
 LAFAYETTE, INDIANA 47901
 PHONE: (765) 842-2271
 FAX: (765) 842-2271
 WWW: WWW.JAMCO.COM

Kester and Associates Inc.
 LAND SURVEYING AND ENGINEERING

OFFICE INFORMATION:
 PROJECT NO. 04383
 SHEET 5
 DATE: MAY 15, 2008
 DRAWN BY: KJS
 CHECKED BY: PEM, TAB
 FIELD BOOK: SB 528



1. All front setbacks are 20' from the existing frontlines and 100' from lot lines cornered along North River Road.
2. All side setbacks are 6' from the side of the lot unless otherwise indicated.
3. All front setbacks along Happy Hollow Road are 20' from the front of the lot unless otherwise indicated. All front setbacks along Catherwood Drive are 20' from the front of the lot unless otherwise indicated.
4. All setbacks are for coverage and utility setbacks unless otherwise indicated.
5. All setbacks and utility setbacks located along the front of the lot shall be 15' from the front lot line unless otherwise indicated.
6. Buildings permitted on lots within 100' of a floodplain zone shall comply with the flood protection grade of 29.8' (NGVD 29) at the upstream end of the site and 34.1' (NGVD 29) at the downstream end of the site.
7. All areas lying within the Townships Lot and outside the Floodplain Buildings shall be subject to the Floodplain Building and Floodplain Building setbacks, signs, signs, signage and utility easement.

LEGEND

| | |
|---------------------------|---|
| (Solid line) | EXISTING GRANTED RIGHT-OF-WAY |
| (Dashed line) | PROPOSED UTILITY & DRAINAGE EASEMENT (UNLESS OTHERWISE NOTED) |
| (Dotted line) | PROPOSED BUILDING SETBACK LINE |
| (Solid line with dashes) | EXISTING SANITARY SEWER |
| (Dashed line with dashes) | PROPOSED SANITARY SEWER |
| (Solid line with dots) | EXISTING WATERMAN |
| (Dashed line with dots) | PROPOSED WATERMAN |
| (Hatched area) | EXISTING OVERHEAD UTILITIES |
| (Hatched area) | EXISTING EASEMENT TO BE VACATED |

EXISTING OVERHEAD UTILITIES MAY REMAIN OR BE REMOVED COORDINATE WITH UTILITY COMPANIES

EXISTING SANITARY SEWER TO BE ABANDONED / REMOVED AS ENCOUNTERED

EXISTING OVERHEAD UTILITIES TO BE REMOVED / COORDINATE WITH UTILITY COMPANIES

EXISTING WATERMAN TO BE ABANDONED OR REMOVED AS ENCOUNTERED

EXISTING SANITARY SEWER TO BE ABANDONED / REMOVED AS ENCOUNTERED

EXISTING SANITARY SEWER REPLACED AT PROPOSED LATERAL TO BE REMOVED / SEWER MANHOLE



ATTORNEYS AT LAW

WILLIAM K. BENNETT
(1919-1998)

RICHARD A. BOEHNING

BRENT E. CLARY

ROGER WM. BENNETT

JAMES A. GOTHARD

ANDREW S. GUTWEIN

STUART P. BOEHNING

JASON W. BENNETT

CARA C. PUTMAN

KYLE B. MANDEVILLE

* of counsel

April 18, 2005

David Buck, West Lafayette City Engineer
City Hall
609 West Navajo
West Lafayette, IN 47906

Re: **Petition to Vacate Catherwood Court and Related Easements**
Petitioner/My Client: 900 Place, LLC
My File No. 11691.1

Dear Mr. Buck:

Enclosed please find two (2) exhibits. The first, titled "Easement/Right of Way Vacation," illustrates the existing easements and the existing right-of-way being vacated. The second, titled "Catherwood Gardens Easement Release Exhibit," illustrates the areas being released and overlays them on the redeveloped plan for this site.

As noted on the second exhibit, all existing utilities in the utility easements being vacated will be either removed or abandoned as they are encountered. No active utilities will remain in the areas being vacated.

I hope these two exhibits are helpful and I ask that you please contact me with any further questions. Thank you for your assistance in this matter.

Sincerely,

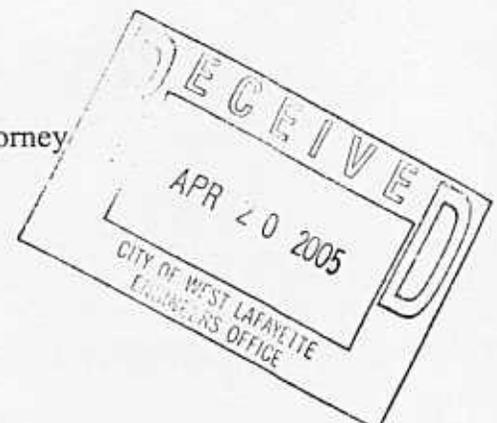
BENNETT BOEHNING & CLARY

Andrew S. Gutwein
ASG:drm
Enclosures

cc: Robert L. Bauman, West Lafayette City Attorney

MAILING ADDRESS
P.O. BOX 469
LAFAYETTE, INDIANA 47902-0469

LAW OFFICE
COLUMBIA CENTER
415 COLUMBIA STREET
SUITE 1000
LAFAYETTE, INDIANA 47901
TEL: 765-742-9066
FAX: 765-742-7641



**NOTICE OF HEARING TO VACATE
PUBLIC WAY AND EASEMENTS**

Notice is hereby given that on the ____ day of _____, 2005, at the hour of _____ am/pm or as soon as thereafter can be done, at the Council Chambers at City Hall, 609 W. Navajo, West Lafayette, IN, the City of West Lafayette will conduct a public hearing upon the petition of 900 Place, LLC for the adoption of Ordinance No. ____-_____ of the City of West Lafayette for the vacation of a public way known as Catherwood Court and related easements located in the triangle north of the intersection of Happy Hollow and North River Road, West Lafayette, Indiana to wit:

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Anyone who desires to object to the granting of this petition must file their objections in writing prior to the hearing or make them at the time of the hearing state above.

Judith C. Rhodes, CMC/CMFA
Clerk-Treasurer
City of West Lafayette

Publish _____, 2005